

<b>United States District</b>		DISTRICT Eastern District of Pennsylvania	
UNITED STATES OF AMERICA  v.  ERIC DANYEL MILLER		DOCKET NO.	08-201
		MAGISTRATE'S CASE NO.	
Complaint for violation of Title 18, United States Code, Sections 922(g)(1) and 924(c).			
NAME OF JUDGE OR MAGISTRATE Honorable David R. Strawbridge		OFFICIAL TITLE United States Magistrate Judge	LOCATION Philadelphia, PA
DATE OF OFFENSE On or about September 30, 2006; and On or about August 27, 2007	PLACE OF OFFENSE Philadelphia, PA	ADDRESS OF ACCUSED (if known) 7335 Drexel Road, Philadelphia, PA	
COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION:  SEE ATTACHMENT A  <div style="text-align: center;"><b>FILED</b> FEB 20 2008 MICHAEL P. HENRY By: <i>[Signature]</i></div>			
BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED:  SEE AFFIDAVIT ATTACHED HERETO.			
MATERIAL WITNESSES IN RELATION AGAINST THE ACCUSED:  SEE AFFIDAVIT ATTACHED HERETO.			
Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.		SIGNATURE OF COMPLAINANT (official title) <i>[Signature]</i> Randy Updegraff  OFFICIAL TITLE Special Agent Drug Enforcement Administration	
Sworn to before me and subscribed in my presence.			
SIGNATURE OF MAGISTRATE <sup>(1)</sup> <i>[Signature]</i> Honorable David R. Strawbridge, United States Magistrate Judge		DATE 2-20-08	

1) See Federal Rules of Criminal Procedure rules 3 and 54.

**ATTACHMENT A**

Count One

On or about September 30, 2006, in Philadelphia, in the Eastern District of Pennsylvania, defendant **ERIC MILLER**, having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce a firearm, that is, a loaded Jennings .22 caliber semiautomatic pistol, with an obliterated serial number; a loaded Taurus .40 caliber semiautomatic pistol, serial number SVD73508; a loaded Smith & Wesson .44 caliber pistol, serial number N850683; a loaded Ruger .45 caliber semiautomatic pistol, serial number 57-43388; and a Remington 12 gauge shotgun, with no serial number.

In violation of Title 18, United States Code, Section 922(g)(1).

Count Two

On or about September 30, 2006, in Philadelphia, in the Eastern District of Pennsylvania, defendant **ERIC MILLER** knowingly possessed a firearm, that is, a loaded Jennings .22 caliber semiautomatic pistol, with an obliterated serial number; a loaded Taurus .40 caliber semiautomatic pistol, serial number SVD73508; a loaded Smith & Wesson .44 caliber pistol, serial number N850683; a loaded Ruger .45 caliber semiautomatic pistol, serial number 57-43388; and a Remington 12 gauge shotgun, with no serial number, in furtherance of a drug trafficking offense for which he may be prosecuted in a court of the United States, that is, distribution of cocaine, in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 18, United States Code, Section 924(c)(1).

Count Three

On or about August 27, 2007, in Philadelphia, in the Eastern District of Pennsylvania, defendant **ERIC MILLER**, having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce a firearm, that is, a Ruger 9mm P89 semiautomatic pistol, serial number 313-14627, loaded with eleven live rounds of ammunition; and a Glock 21C .45 caliber semiautomatic pistol, serial number FDL039, loaded with nine live rounds of ammunition.

In violation of Title 18, United States Code, Section 922(g)(1).

Count Four

On or about August 27, 2007, in Philadelphia, in the Eastern District of Pennsylvania, defendant **ERIC MILLER** knowingly possessed a firearm, that is, a Ruger 9mm P89 semiautomatic pistol, serial number 313-14627, loaded with eleven live rounds of ammunition; and a Glock 21C .45 caliber semiautomatic pistol, serial number FDL039, loaded with nine live rounds of ammunition, in furtherance of a drug trafficking offense for which he may be prosecuted in a court of the United States, that is, distribution of cocaine, in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 18, United States Code, Section 924(c)(1).

**August 27, 2007 incident-**

5. On August 27, 2007, members of the Philadelphia Police Narcotics Field Unit North executed a search warrant at MILLER'S home located at 7335 Drexel Road, Philadelphia, PA. This home is rented by ERIC MILLER and MILLER is listed as the sole occupant on the lease. Prior to the execution of the search warrant, the officers recovered the trash bags from outside of 7335 Drexel Road, in the early morning hours of August 27, 2007. This trash yielded approximately 8 empty kilogram wrappers containing a white powder residue which tested positive for cocaine. The trash also contained mail in the name of ERIC MILLER with the address of 7335 Drexel Road, Philadelphia, PA.

6. Also prior to the execution of the search warrant, the police encountered MILLER in the 2600 Block of Sedgley Street, Philadelphia, PA. MILLER was detained and the police recovered a key to 7335 Drexel Road, Philadelphia which they used to enter MILLER'S home. The police also recovered \$1,092 from MILLER'S person, and the vehicle MILLER was driving, a 2005 Cadillac Escalade.

7. Once inside MILLER'S home, the officers located the following:
- a Ruger 9mm P89 semiautomatic pistol, serial number 313-14627, loaded with 11 live rounds of ammunition;
  - a Glock 21C .45 caliber semiautomatic pistol, serial number FDL039, loaded with 9 live rounds of ammunition;
  - an Accu Banker money counter;
  - a bowl, two scales, and a fork all containing cocaine residue; and
  - a bottle of cutting agent.

**September 30, 2006 incident-**

8. On September 30, 2006, members of the Pennsylvania State Police executed a consent search of 2657 Daphney Road, 3<sup>rd</sup> Floor, Philadelphia, PA. This apartment was rented by ERIC MILLER and MILLER was listed as the sole occupant on the lease. Consent to search



the location was provided by a close associate of Miller who is a well known drug trafficker and who also has previously been convicted in separate incidents of murder and drug trafficking.

After he provided consent, this individual provided the keys to the troopers so they could gain entrance to the apartment.

9. Once inside the apartment, the troopers conducting the search located the following items:

- a loaded Jennings .22 caliber semiautomatic pistol, with an obliterated serial number;
- a loaded Taurus .40 caliber semiautomatic pistol, serial number SVD73508;
- a loaded Smith & Wesson .44 caliber pistol, serial number N850683;
- a loaded Ruger .45 caliber semiautomatic pistol, serial number 57-43388; and
- a Remington 12 gauge shotgun, with no serial number;
- two empty kilogram wrappers;
- two 1 gallon containers of acetone (a substance used in the processing and re-rocking of cocaine for resale);
- a press utilized in the manufacturing of cocaine for resale;
- two heat sealers;
- plastic storage bags,
- rubber gloves,
- bottles of cocaine cutting agents (Inositol and Procaine);
- three scales;
- glassware and a mixer with cocaine residue inside;
- two large metal; strainers;
- documents containing the name of Eric Miller; and
- \$10,080;

10. While the troopers were conducting the search of MILLER'S apartment, MILLER and a female companion arrived at the apartment. The troopers detained MILLER and recovered the following from Miller's person:

- \$1,350 from his right pants pocket;
- \$1,054 from his left pants pocket; and
- three cellular telephones

11. During the search Miller was interviewed by the troopers and he informed the troopers that he lived in the apartment alone.

12. Prior to September 30, 2006, MILLER had been convicted of a crime punishable by more than one year imprisonment. Specifically, on January 2, 1990, MILLER pleaded guilty to murder and possessing an instrument of crime and was sentenced to 8 to 16 years imprisonment.

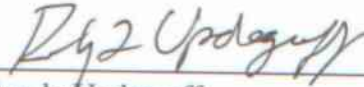
13. Each of the firearms charged in the attached complaint and referenced herein are "firearms" as defined in Title 18, United States Code, Section 921 (a) (3). In addition, an Interstate Nexus analysis was performed as to each of the firearms referenced herein. This determination revealed that each of the firearms was manufactured outside of the Commonwealth of Pennsylvania, therefore by virtue of their presence in the Commonwealth of Pennsylvania they traveled through the channels of interstate commerce.

14. Your affiant is qualified as an expert in the area of narcotics investigations and have testified as such in federal, state, and local courts. As such, I am familiar with the ways in which drug dealers conduct their drug-related business, including, but not limited to their: (a) methods of distributing narcotics; (b) methods of preparing and packaging narcotics for resale; (c) methods used to transport narcotics; (d) methods used to secret and launder the cash proceeds of their drug trafficking activities; and (e) methods used to protect themselves from the violence which is inherent in the drug trafficking trade, including but not limited to possession of firearms on their persons, at their homes, and/or at locations where they prepare and package their drugs for resale.

15. It is my opinion that based on the circumstances set forth above, on September 30, 2006, at 2657 Daphney Road, 3<sup>rd</sup> Floor, Philadelphia, PA; and on August 27, 2007, at 7335 Drexel Road, Philadelphia, PA, ERIC DANYEL MILLER was engaged in a drug trafficking operation, specifically the distribution of cocaine as evidenced by all of the items related to the processing and packaging of cocaine for resale found therein, and that the firearms found inside of each residence on those dates were possessed by MILLER in furtherance of his drug trafficking crimes.

Based upon all of the facts set forth herein, your affiant believes that there is probable cause to believe that ERIC DANYEL MILLER on two separate occasions, September 30, 2006, and August 27, 2007, possessed firearms after having been convicted of a felony punishable by more than one year imprisonment, in violation of Title 18, United States Code, Section 922(g)(1); and that on each of these occasions ERIC DANYEL MILLER possessed those firearms in furtherance of a drug trafficking crime for which he may be prosecuted in a court of

the United States, in violation of Title 18, United States Code, Section 924(c). Therefore your affiant requests that a warrant issue for his arrest.



Randy Updegraff  
Special Agent  
Drug Enforcement Administration

SUBSCRIBED TO AND SWORN  
before me on the 20<sup>th</sup> day of February, 2008



HONORABLE DAVID R. STRAWBRIDGE  
United States Magistrate Judge